9 B 52

THE LEGAL MEANS OF POLITICAL REFORMATION,

Propoſed in two ſmall Tracts, *viz.*

THE FIRST

On "*Equitable Repreſentation*," and the *legal* Means of obtaining it. (1777.)

THE SECOND

On "*Annual Parliaments*, the *ancient* and *moſt ſalutary* "RIGHT of the People." (1774.)

To which are added,

A Letter to a Member of the SURRY Committee, in Defence of the *Right of the People to elect Repreſentatives for every Seſſion of Parliament*; viz. Not only "*every Year once*," but alſo "*more often if Need be.*" (1780.)

AND

A Circular Letter to the ſeveral petitioning Counties, Cities, and Towns, to warn them againſt the late Propoſition for *triennial Elections*. (1780.)

(by Granville Sharp.—)

THE SEVENTH EDITION.

11 p

MVSEVM
BRITAN
NICVM

THE LEGAL MEANS OF POLITICAL REFORMATION.

NEVER were the baneful effects of *undue influence* more ſenſibly felt, or more generally acknowledged, than at preſent.

The *legal* means of curbing this dangerous evil are propoſed in two little tracts preſented with this paper. The one points out a *legal* mode of obtaining a *more equal repreſentation of the Commons*. The other demonſtrates the ancient popular right of holding *new-elected* Parliaments "*every year once, and more often if* "*need be.*" And the ſum of both, jointly conſidered, may be included in the following ſhort propoſition: — that *a more equal repreſentation of the Commons in annual Parliaments* (*i. e.* ELECTED "every "ry year once, and more often if need "be") *is not only an* ANCIENT, *but even an* INDISPENSABLE, *right of the people.*

That this ancient conſtitution is *indiſpenſable* the many fatal effects of deviating from it have rendered ſufficiently obvious; and therefore no *remedy* can be more efficacious, and conſtitutionally natural, than a *revival* of that *primitive and fundamental right*; according to the rule of Law, that, "*as often as any thing* "*is doubtful or* CORRUPTED, *we ſhould* "RECUR *to firſt principles.*"* And we have *no reaſon to expect* that the petition and reſolutions of the truly reſpectable and loyal County of York, (though highly worthy of being adopted by the other counties,) or indeed any other true principles of *Reformation*, will be admitted and rendered effectual‖ by the *Legiſlature*, until the ſeveral counties themſelves ſhall re-aſſume this their ancient and conſtitutional right of being *more equally repreſented in new annual Parliaments.*

* Lofft's *Elements of Law*, N° 8.

‖ This opinion, concerning *the probable fate of the petition*, was printed long before the Houſe took it into conſideration.

Equitable Repreſentation

NECESSARY TO THE

Eſtabliſhment of LAW, PEACE, and GOOD GOVERNMENT:

SHEWN IN SOME

Extracts from Mr. PRYNNE's *Brevia Parliamentaria Rediviva,*

(Printed in 1662, and dedicated to K. Charles II.)

RELATIVE TO

Examples of *joint Elections* for Knights, Citizens, and Burgeſſes, for whole Counties, by the *ſame Electors*, at one Time and Place.

WITH SOME OCCASIONAL

REMARKS thereupon,

Concerning the *Neceſſity* as well as the *Means* of reforming the enormous *Inequality* of *Repreſentatives* which the Borough-Voters enjoy to the Prejudice of *the Counties* and *great Cities.*

Written in March 1777, and *then* communicated to a Nobleman in Adminiſtration.

LONDON:

Firſt printed in the Year 1780.

Equitable Representation

NECESSARY TO THE

Establishment of LAW, PEACE, and good GOVERNMENT:

SHEWN IN SOME

Extracts from Mr. PRYNNE's Brevia Parliamentaria Rediviva,

(Printed in 1661, and dedicated to K. Charles II.)

RELATIVE TO

Examples of joint Elections for Knights, Citizens, and Burgesses, for whole Counties, by the Free Electors, at one Time and Place.

WITH SOME OCCASIONAL

REMARKS thereupon.

Concerning the Necessity as well as the Manner of reforming the enormous Inequality of Representation which the Borough-Voters enjoy to the Prejudice of the Counties and great Cities.

Written in March 1777, and now communicated to a Nobleman in Administration.

LONDON:

Just printed in the Year 1780.

EXTRACTS FROM Mr. PRYNNE's *Brevia Parliamentaria Rediviva*,

Printed in 1662, and dedicated to King CHARLES II.

WITH SOME

Occasional Remarks concerning the Necessity, as well as the Means, of promoting *a more equal Representation* of the Commons in Parliament.

PART I.

MR. PRYNNE informs us, in p. 175, "that in sundry counties the elections of knights, citizens, "and burgesses, were antiently made "*all together, in the county-court of the "shire,*

" *ſhire, on the ſame day, and all retorned*
" *together in and by one indenture,* be-
" tween the ſheriffs and their electors;
" which I ſhall exemplifie," (ſays he,)
" by theſe enſuing preſidents, inſtead
" of ſundry others, which I ſhall re-
" member or recite in the enſuing ſec-
" tions, in due place.

" I ſhall begin," (ſays Mr. Prynne,)
" with the indenture for Cumberland
" and Karliſle, anno 2 Hen. V." And he cites the form of the indenture at length, but it is not here copied, becauſe the example is not ſo full to the point as ſome others, in pages 176, 177, and 178: *Viz.*

" KENT. Anno 12 Hen. IV. Indent. pro militibus Kanciæ.

" Hæc indentura facta apud Cantuar. die lunæ prox ante feſtum apoſtolorum Simonis et Jude, prox ſequent. poſt recept. brevis domini regis huic

" indent.

" indent. conſut. Inter Johem Darrell,
" vic. com. præd. et Robtum Clifford,
" Valentinum Baret," (and ten more,)
" qui ad elegend. Milites et cives ad
" parliament. domini regis tenend. a-
" pud Weſtm. in chraſt. animarum prox
" futur. præmuniti fuerunt, pretextu e-
" juſdem brevis domini regis in hac
" parte eidem vic. directi *aſſenſu totius*
" *com. illius*, eligerunt Reginaldum
" Pympe et Willum Notebem, *Milit.*
" *pro communitate com. prædict.* Wil-
" lum Hikham et Willum Roſe, *Ci-*
" *ves pro communitate civitatis Cantuar.*
" Roger Langford et Johem Everard,
" *Cives pro communitate civitatis Roffs.*
" In cujus rei teſtimonium tam præfatus
" vicecom. quam præfati Robtus, Va-
" lentinus, &c. ſigilla ſua alternatim ap-
" poſuerunt die et anno ſupradictis."*

C " The

* " Kent. In the 12th Year of Henry IV. Indent
" for the Knights of Kent.

" This

" The like indenture, for Kent, I " find" (ſays Mr. Prynne) " in 2 H. V, " —— Hæc indentura facta apud Rou- " cheſtre," &c. reciting it at length; after which he remarks as follows: " In " theſe two indentures and others, the " knights of *Kent* and citizens of *Can-*

" *terbury*

" This indenture made at Canterbury, on Mon- " day the next before the feaſt of the apoſtles Simon " and Jude, next following after the receipt of the " brief" [or writ] " of the Lord the King, annexed " to this indenture. Between John Darrell, ſheriff of " the ſaid county, and Robert Clifford, Valentine " Baret, John Broke, James Dingley, Thomas Lane, " William Lans," (and ſix more,) " who to chooſe " Knights and citizens for the parliament of the lord " the king, to be holden at Weſtminſter on the morrow " of All Souls, that next ſhall be, were impowered, " by virtue of the brief" [or writ] " of the ſame lord " the king, in this behalf, addreſſed to the ſame ſheriff, " BY THE ASSENT OF ALL THAT COUNTY, have " choſen Reginald Pympe and Wm Notebem, *knights* " *for the community*" [*or commonalty*] " *of the aforeſaid* " *county*; Wm Hickham and Wm Roſe, *citizens, for* " *the community*" [*or commonalty*] " *of the city of Canter-* " *bury*; Roger Langford and John Everard, *citizens,* " *for the community*" [*or commonalty*] " *of the city of Rocheſ-* " *ter.* In witneſs whereof, as well the aforeſaid ſhe- " riff as the aforeſaid Robert, Valentine, &c. have al- " ternately affixed their ſeals the day and year above- " mentioned."

" *terbury* and *Rochester* were *all elected*
" and *returned together in the county-court*
" *by the same electors and indentures.*"

" To these I shall add" (says Mr. Prynne) " this indenture of the sheriff " of Wiltes, anno 1 Hen. V.

* " Hæc indentura facta apud Wylton " IN PLENO COM. WILTES TENTO die

" Martis

*" This indenture made at Wylton IN FULL COUN-" TY" [court] " of Wilts, holden on Tuesday the next " before the feast of Matthew the apostle, in the first " year of the reign of king Henry V. after the conquest, " between Elias de la Mire, sheriff of the aforesaid " county, on the one part, and Thomas Bonham, Wm " Daungens," [and twenty four more,] " of the o-" ther part, witnesseth, that the aforesaid Thomas " Bonham and all the above-named," [persons,] " present on the day and at the place abovementioned, " and by the aforesaid sheriff, by virtue of the brief" [or writ] " of the lord the king to the same sheriff ad-" dressed, and to this indenture annexed, singly exa-" mined, have chosen Wm Molyns, knight, and Wal-" ter Hungerford, *Knights for the community*" [or commonalty] " *of the aforesaid county*; and likewise have " chosen Walter Shirle and John Beckot, *citizens for* " *the community*" [or commonalty] " *of the city of New* " *Sarum*; John Valeys senior and John Harleston, " *Burgesses for the community*" [or commonalty] " *of the* " *borough*

" Martis proximo ante feſtum *Matthei*
" apoſtoli anno regni regis Henrici Quin-
" ti poſt conqueſtum primo inter Eliam
" de la Mire vic. com. prædict. ex parte
" una, et Thomam Bonham, Willum
" Daungens," (and twenty-four more,)
" ex altera parte teſtatur, quod prædict.
" Thomas Bonham, et omnes alii ſu-
" perius nominati ad diem et locum ſu-
" pradict. exiſtentes et per prædictum
" vic.

" *borough of Wilton*; Thomas Coventry and Robert
" Smyth, *Burgeſſes for the community*" [or commonalty]
" *of the borough of Deviſes*; John Charleton and John
" Randolph, *Burgeſſes for the community*" [or commonalty] " *of the borough of Malmeſbury*; Thomas Hathe-
" way and Wm Acliff, *Burgeſſes for the community*" [or commonalty] " *of the borough of Marlborough*; Robert
" Salman and Robert Ronde, *Burgeſſes for the communi-
" ty*" [or commonalty] " *of the borough of Calne*; Ro-
" bert Lany and Wm Cheſterton, *Burgeſſes for the
" community*" [or commonalty] " *of the borough of Old
" Sarum*, in the aforeſaid county; to all and every," [thing,] " according to the tenor of the aforeſaid brief,
" in the parliament of the ſaid lord the king, at Lei-
" ceſter appointed to be, on the laſt day of April next,
" together with others, to confer, treat, act, and
" likewiſe conclude, according as the aforeſaid brief
" exacts and requires. In witneſs whereof, *&c.*"

" vic. virtute brevis domini regis eidem
" vic. direct. et huic indenturæ consut.
" singulariter examinati, eligerunt *Wil-*
" *lum Molyns, chlr.* et *Walterum Hunger-*
" *ford*, MILITES pro communitate COM.
" PRÆD. et similiter eligerunt *Waltum*
" *Shirle* et *Johm Beckot*, CIVES pro com-
" munitate CIVITATIS NOVÆ SARUM,
" *Johem Valeys* seniorem, et *Jobem Har-*
" *leston*, BURGENSES pro communitate
" BURGI de WILLTON, *Thomam Co-*
" *vintre*, et *Robtum Smyth*, burgenses
" pro communitate BURGI DE DEVISES,
" *Johem Charleton* et *Johem Randolph*,
" burgenses pro communitate BURGI DE
" MALMESBURY, *Thomam Hatheway* et
" *Wilium Alclyff*, BURGENSES pro com-
" munitate BURGI DE MARLEBURGH,
" *Robtum Salman* et *Robtum Ronde*, BUR-
" GENSES pro communitate BURGI DE
" CALNE, *Robtum Lany* et *Willum Ches-*
" *terton*, BURGENSES pro communitate

" BURGI

" BURGI VETERIS SARUM in com. præ-
" dicto, ad omnia et ſingula juxta teno-
" rem brevis prædict. in parliamento
" dicti domini regis apud LEICESTRE,
" ultimo die *Aprilis* prox. futur. aſſignat.
" ſimul cum aliis communicand. trac-
" tand. faciend. ſimiliter et terminand.
" prout prædictum breve exigit et re-
" quirit. In cujus rei teſtimonium," &c.

" There is the like indenture" (ſays Mr. Prynne) " for Wiltſhire, where the " *knights, citizens*, and *burgeſſes*, are " joyntly *elected and retorned together*. " An. 2 Hen. V."

REMARKS, &c.

THE circumſtances of thoſe antient times are ſo totally different, in many reſpects, from the preſent times, that it is difficult to determine whether any ſuch *joint* elections of knights, citizens, and

and burgeſſes, (by the united equal ſuffrages of all the electors together, of every degree, in each county,) can now be made; and, of courſe, it is doubtful whether ſuch a meaſure is even adviſeable. Many laws have ſince been enacted reſpecting elections, all of which muſt firſt be well weighed and conſidered; for, if any thing therein is incompatible with the neceſſary alterations, it muſt be repealed by the ſame authority which ordained it; becauſe "*non eſt recedendum a forma per ſtatutum preſcripta;*" and, again, "*nil temere novandum eſt.*"

Yet, as the injuſtice and fatal conſequences of the preſent enormous *inequality of repreſentation* in favour of petty venal boroughs (to the diſadvantage of the counties and great cities) is notorious and undeniable, ſome prudent remedy is ſurely become neceſſary, and ought to be moſt earneſtly ſought after

by

by all lovers of peace and good government.

The ruinous effects of a long continued *parliamentary corruption*, and of its baneful companion, *national reprobacy*, (which is the ſure harbinger of *public misfortune* and *approaching ſlavery*,) have made ſuch haſty advances of late, that many people begin to be alarmed, and to talk ſeriouſly concerning the neceſſity of endeavouring to obtain "*a more equal repreſentation of the commons in annual parliaments*, as the "true legal means of reſtoring public "credit, and of ſaving the ſtate." Such a diſpoſition, towards parliamentary reformation, I have perceived in ſeveral places, amongſt people who have not the leaſt connexion with each other, ſo that it ſeems to be the moſt natural and obvious concluſion of common ſenſe upon the preſent alarming ſtate of public affairs; and will, probably, (if matters

ſhould

ſhould grow worſe,) become more and more general, till the meaſure be irreſiſtibly demanded by the voice of the people; in which caſe, all thoſe perſons, who have been moſt concerned in the management of the public treaſury, muſt expect to undergo a ſevere ſcrutiny! Or, if any ſudden invaſion of our natural enemies ſhould be really intended, (which there is but too much reaſon to ſuſpect,) the people, it is to be feared, as ſoon as they are informed of the public danger, will be ſo tranſported with ſudden indignation againſt particular perſons, whoſe meaſures may ſeem to have contributed to the national weakneſs, that they will not eaſily be reſtrained from violent and inconſiderate acts of perſonal reſentment! And it is not at all probable that the people will be thoroughly or ſufficiently united to act againſt the common enemy, until they have taken ſuch ſteps as they may think

effectual to insure a reformation of government, (in case their endeavours against the common enemy should prove successful,) and to prevent the like calamities in future.

Those state-ministers, therefore, who shall have sufficient courage to give up, in time, all reliance on *undue parliamentary influence*, and shall prove that their regard for good and *legal government* is sincere, by promoting some legal means of restoring to the electors of *counties* and *great cities* their due proportion of *representation* and *consequence in the great national assembly*, those ministers, I say, howsoever their former measures may have been disliked, will, by such a proof of their *sincerity* in reformation, *insure to themselves* the public esteem and confidence: for there is a general disposition in Englishmen to overlook all differences of opinion in politics, and to forget all party animosities

againſt thoſe perſons, who, by a change of conduct, give proofs of a future regard for popular and conſtitutional rights. And the almoſt certain advantages to the crown, by adopting and promoting ſuch a meaſure, will be *the recovery of a great and extenſive empire*; * for no ground of accommodation will be ſo effectual and certain as ſuch "*a proof of ſincerity*" in the ſovereign, that he deſires to rule his ſubjects *at home* according to the ſtricteſt rule of *legal* and *conſtitutional principles*, and is willing to drop all meaſures

* Memorandum. Theſe Remarks were written in March, 1777. The author had previouſly informed a nobleman in adminiſtration, that the Americans were inclined to a *re-union*, even *under the crown*, on conſtitutional principles, provided his majeſty's miniſters could give a *proof of their ſincerity* in treating, by adopting ſome *legal* means of *political reformation* at home, and that the proper conſtitutional terms, conſiſtent with the natural rights of Britiſh ſubjects, would certainly be *accepted*, if tendered within two or three months; but that no terms ſhort of *independency* would or could be accepted after the expiration of ſix months from that time. The deſire of pointing out ſuch a *plan of reformation*, as might be ſuitable to the propoſed *re-union*, occaſioned theſe remarks.

or deſigns which cannot obtain the *uninfluenced aſſent* of his great national council: and the king's miniſters are never anſwerable for meaſures, howſoever unſucceſsful, after the ſame have obtained the ſanction of *a free* and *uninfluenced* parliament. By ſuch *righteouſneſs* as this *the throne ſhall be eſtabliſhed:* whereas an obſtinate perſeverance and continuance in the contrary mode of adminiſtration will, of courſe, occaſion what is vainly called a *ſtate-neceſſity* for advancing ſtill farther in violent and unpopular meaſures; which, like the caſe of Richard II. * muſt inevitably end in deſtruction! No reformation, however, can be ſafely made reſpecting *a more*

* "But the king was not ſatisfied with theſe repeated declarations: he thought his power and dignity very precarious, while it depended on the *authority of parliament.* He dreaded the popular party, and the effects of oppoſition and reſiſtance, which he had ſo lately experienced; and could not bear the reſtraint, which theſe apprehenſions laid him under. His whole views therefore were from this time directed

more equal repreſentation of the commons, until the mode of doing it hath been firſt adopted and approved by *the majority of the* ELECTORS *themſelves in each county*; but, when their conſent is once obtained, the oſtenſible propoſers and promoters of the meaſure will be amply ſecured from all blame, in caſe the alteration ſhould not prove effectual; and, on the other hand, they will certainly enjoy the principal credit of the amendment, in caſe the meaſure ſhould be found to anſwer the deſirable purpoſe.

The

" directed to one end; *to ſet himſelf above all oppoſition* " *and reſiſtance*: firſt, by making peace and gaining " firm alliance abroad, and then, *by eſtabliſhing an un-* " *controllable power at home.* In conſequence of this " deſign, he entered with more earneſtneſs upon a " treaty of peace with France, *&c.*" See the learned biſhop Lowth's Life of William of Wykeham, p. 232. King Richard's obſtinate perſeverance in ſuch erroneous and dangerous notions produced thoſe very evils of which he was moſt afraid, *viz.* the loſs of *his crown*, his liberty, and his life; for the Machiavelian policy of his miniſters, in promoting *parliamentary corruption* and in maintaining a *ſtanding army* of Cheſhire time-ſervers, ſerved only to precipitate the monarch's deſtruction, and to haſten the revolution.

The king might ſafely ſignify (in a ſpeech to his parliament or by proclamation) his earneſt deſire to be more accurately informed of the ſentiments of his people; and that he therefore wiſhes to promote, by legal and conſtitutional means, a *more equal repreſentation* of all perſons who are at preſent entitled to vote for *knights, citizens*, and *burgeſſes*, in parliament, that elections may be made in an *equitable and juſt proportion to the* NUMBERS of thoſe who vote for each denomination, without leſſening the total number of repreſentatives ſent up at preſent from each county; and he might refer the conſideration of the moſt juſt and unexceptionable means of doing this to the very perſons whoſe rights are concerned, by authoriſing his ſheriffs to ſummon grand-juries, in their reſpective counties, to conſider and propoſe the moſt equitable mode of ſending the preſent number of knights, citizens,

citizens, and burgeſſes, for each county, in *an equal proportion to the whole number of electors*; and afterwards to ſubmit the reſult of their conſultation to a general-court or aſſembly of all the electors, in each county, for their aſſent or amendment; or to a choſen *committee*, appointed by a majority of all the ſaid electors that ſhall think fit to attend the aſſembly, agreeably to the firſt example in the indenture for the county of Kent, wherein the twelve perſons named in the indenture, are ſaid to have choſen *(elegerunt)* the *two knights* for the county, and *four citizens* for Canterbury and Rocheſter: for it is manifeſt that the twelve perſons named acted only in truſt, as a *committee* for the electors of the whole county; becauſe the election is expreſſly declared to have been made "ASSENSU TOTIUS "COMITATUS ILLIUS." * And, in the other

* "*By the aſſent of the whole county.*"

other example for the county of Wilts, wherein only *twenty-ſix perſons*, named in the indenture, are ſaid to have choſen *ſixteen repreſentatives* (viz. two knights, two citizens, and twelve burgeſſes) *in one joint election*; yet we muſt not conſider the ſaid twenty-ſix perſons as the only electors, but rather as an *acting committee*, empowered by the whole body of electors in that county; for, though the words "*aſſenſu totius comitatus illius*" are omitted, yet the beginning of the indenture expreſſly informs us that it was made "*in pleno com. Wiltes tento,**" &c. And, likewiſe, it is not improbable that the ſaid twenty-ſix electors (who are expreſsly named in the indenture with the ſheriff, but "*ex altera parte*") were conſidered as the *manucaptors* or *ſureties* for the appearance of the *elected*; which will account for their making the indenture with

* "*In plain ſhire*" (or *full county*, meaning *a full county-court*) "*of Wilts, holden*," &c.

with the ſheriff; for no *manucaptors* are mentioned *as ſuch* in theſe indentures, though the appointment and expreſs mention of *manucaptors* were generally eſteemed a neceſſary precaution in thoſe ancient times, of which more ſhall be ſaid hereafter.

The moſt obvious means of reformation are either to divide each county into ſo many equal diſtricts as may moſt conveniently be repreſented by 2, 3, or 4, deputies, ſo as to include the whole number now ſent from each county; or elſe to *chooſe the whole number of knights, citizens, and burgeſſes, by the joint ſuffrages of all the electors together, at the county-court*, agreeably to the ancient examples already cited. By theſe regulations, indeed, the borough-voters might complain that they would be injured by loſing a large proportion of their borough Repreſentation; that is, they would certainly loſe that *unreaſonable proportion* of repreſentation which is

injurious to the rights and freedom of their neighbours; but they would be ſo far from loſing any *juſt and equitable right*, really due to themſelves, that they would actually gain thereby *a right* of voting for all the *knights* and *citizens*, as well as for all the *other* deputed *burgeſſes*, of their reſpective counties; to which, at preſent, (as mere burgeſſes of one borough,) they have no pretence. The experience alſo of late years has ſhewn that it is become neceſſary to enforce the ancient laws, which ordain that *both the electors and the elected* ſhall be "*in eodem* "*comitatu commorantes et reſidentes.*" (3) And alſo to renew the ancient cuſtom of obliging

(3) "*In the ſame county dwelling and reſident.*" *"Quod "milites Com. infra regnum noſtrum Angl. eligend. ad- "veniend. in parl. ex tunc tenend. eligantur in quolibet "Com.

* "That the knights of the Shires within our kingdom of England, "to be choſen to come to the parliaments from henceforth to be hol- "den, ſhould be choſen in every county by men *dwelling and reſiding* "*in the ſame County, &c.* And that they, who are to be choſen, be "likewiſe *dwelling and reſiding in the ſame Counties,*" *&c.*

obliging the perſons elected to find ſureties (or *manucaptors* before-mentioned) for their appearance AND CONSTANT ATTENDANCE, (*conſtant attendance* being ſometimes expreſſly required by the writs, (4)) in order to prevent ſuch

 ſhameful

" Com. per homines *in eodem Com. commorantes et reſidentes*, " &c. — Et quod illi, qui eligendi fuerint, ſint ſimiliter " *in eiſdem Com. commorantes et reſidentes*, &c." Extract from the copy of a writ, in p. 133 of Prynne's ſecond part of a brief Regiſter, &c. of parl. writs. See alſo an act of parliament to the ſame purpoſe, which is *ſtill in force*, *viz.* 1 Henry V. chap. 1.

(4) * " Rex Vic. Kanc. ſalutem. — Quia ſuper quibuſdam arduis et urgentibus negotiis, &c. parliamentum noſtrum apud Weſtm. die, &c. — tenere ordinavimus, &c. Tibi præcipimus firmiter injungentes, quod de Com. prædicto *duos Milites* gladiis cinctos, &c. et de *qualibet civitate* ejuſdem com, " *duos*

* " The King to the Sheriff of Kent, greeting. — Foraſmuch as " on certain difficult and urgent affairs, &c. we have appointed our " parliament to be holden at Weſtminſter on the day, &c. — We " command you, ſtrictly enjoining, that you cauſe to be choſen of " the aforeſaid County *two Knights*, girt with ſwords, &c. and of " *every city* of the ſame county *two Citizens*, and of *every borough two* " *Burgeſſes*, of the beſt, and moſt able, and moſt diſcreet, Knights, " Citizens, and Burgeſſes, of the County, Cities, and Boroughs, a- " foreſaid, and cauſe them to come to Weſtminſter on the day, &c. " there and then, during the aforeſaid parliament, CONTINUALLY " TO REMAIN," &c.

ſhameful and unmeaning *ſeceſſions* from public buſineſs as have lately been made by

" *duos Cives*, et de *quolibet burg. duos Burgenſes*, de " melioribus et validioribus et diſcretioribus Militi- " bus, Civibus et Burgenſibus Comitat. Civitatum et " Burgorum prædictorum eligi, et eos uſque Weſtm. " die, &c. — venire facias ibidem, et *tunc durante* " *parliamento prædicto* CONTINUE MORATUROS," &c. Prynne's 2d part of a brief Regiſter, &c. p. 105.

" The uſual old formes" (ſays Prynne elſe- where) " being to retorn on the back of the Writ or a " Cedule, *nomina Militum, Manucaptores I. S. militis, " Man. N. F. Militis*, or *alterius militis*; or that two " perſons were elected *milites*, or *duos milites*, (naming " both their Chriſtian and ſirnames,) of the county " of *B.* and that ſuch and ſuch were their *manucaptors*, " they having for the moſt part *two*, *four*, ſome *ſix*, " *manucaptors* apiece, that they ſhould appear at the " day and place appointed in the writ; ſome few of " them now and then refuſed to find *manucaptors*, " whereupon *their goods and cattle* were *deſtreined, to " cauſe them to appear in parliament* at the time and " place preſcribed by the writs," &c. (Prynne's *Brevia parliamentaria rediviva*, p. 137.) So that men of known abilities and integrity (howſoever fond of their own eaſe and private amuſements) might then be *compelled* to ſerve their country in parliament, though their electors were alſo *compelled* to pay them wages; and perhaps the renewal of both theſe antient uſages would contribute much to the national welfare, that uſeful talents of private gentlemen might neither be *unemployed* nor *unrewarded*.

by the gentlemen in oppoſition to miniſtry as well as by many who profeſs to be the miniſters friends. A parliament ſo far reformed (viz. by having *an equal repreſentation of all the electors in each county*) might be well qualified to conſider of ſome farther regulations to render the repreſentation of the counties themſelves *more equal* and *proportionate, with reſpect to each other*, according to the number of inhabitants. For, in ancient times, ALL MEN, in each county, that were free, howſoever poor, enjoyed a ſhare in the legiſlature; which may be clearly proved by the very act of parliament (5) which unjuſtly deprived them of that right!

The

(5) — 8 Henry VI. cap. vii. Whereby the right of voting was limited "to thoſe who have *land or tenement to the value of fourty ſhillings by the year at the leaſt, &c.*" The preamble of this act, however, ſufficiently proves the fact, that all the common people thought themſelves entitled to vote at elections for knights of ſhires. "Whereas the elections of knights

The nation has ſeverely felt the bad effects of that unjuſt innovation: witneſs the preſent iniquitous practices at conteſted

" knights of ſhires to come to the parliaments of our " lord the king, in many counties of the realm " of England, have now of late been made by ve- " ry great, *outrageous* * and exceſſive number of " people dwelling within the ſame counties, &c. of " the which moſt part was of people of ſmall ſubſtance " and of *no value*, † whereof every of them pretended " a *voice equivalent, as to ſuch elections* to be made " with the *moſt worthy knights and eſquires dwelling* " *within the ſame counties*, whereby manſlaughter, " riots, batteries, and diviſions among the gentlemen " and other people of the ſame counties, *ſhall very* " *likely riſe and be*, unleſs convenient and due *remedy* " be *provided*, &c." But the inconveniences here alledged (for which the iniquitous *remedy* of depriving the common people of their right of voting at county elections was provided) deſerve to be no otherwiſe eſteemed

* It is very eaſy to give hard epithets, without proofs of their propriety and truth.

† The *value* of our Chriſtian brethren before God, both in church and ſtate, is ineſtimable! For, all Chriſtians, that are not convicted of crimes, ought ſurely to be equally eſteemed the adopted brethren of Chriſt, and members of that everlaſting building, the church of God, whereby they are entitled to *judge*, not only of things in the preſent world, but alſo in that which is to come! For, if they ſhall hereafter have authority even to "JUDGE ANGELS," *how much more things that pertain to this life?* (1 Cor. vi. 3.) For herein conſiſts that NATURAL EQUALITY OF ALL CHRISTIANS, which ſome political writers affect to deny.

conteſted elections and the helpleſs and endleſs manner of adjuſting them, beſides the ruinous expence of influencing a majority when choſen, (which, at preſent, is conſidered as a meaſure of *ſtate neceſſity,*) and compare theſe modern corruptions with the happy manner of conducting elections, in general, for near two hundred years before that period, as related by Prynne, in his Brev. Parl. Rediv. p. 137. — "Sundry perſons of "eminency, quality, parts, and wiſe-"dom," (ſays he,) "in moſt counties "were

eſteemed than as ſo many mere imaginary pretences to excuſe the *injuſtice* of the act: for, if any ſuch *man-ſlaughter, riots, batteries,* &c. had ever been really occaſioned by the former popular elections, the framers of this act would not have failed to cite the examples; for they could not ſay that any ſuch miſchiefs had ever happened (before that time) but only that they "*ſhall "very likely riſe and be* — unleſs convenient and due "remedy be provided;" whereas, ſince their iniquitous *remedy* hath taken place, all *theſe baneful circumſtances* do notoriouſly attend it, though the framers of the act could not cite *a ſingle example* of ſuch miſchief *before* that unhappy alteration. — It is therefore high time to repeal that act.

" were elected *knights of the ſhire*, by " the unanimous conſent of the gentry, " freeholders, AND PEOPLE, not only " twice or thrice, but 4, 5, 6, 7, 8, 9, " 10, times or more, after another, to " ſerve in parliaments, without any e- " mulation, polling, feaſting, or can- " vaſſing, for voyces; or future com- " plaints, conteſts about their elections, " polls, undue or double retorns, which, " of late times, have diſturbed the coun- " ties peace, and interrupted the par- " liaments proceedings: there being not " above two or three caſes of elections " queſtioned or complained of from 49 " Hen. III. till 22 Edw. IV. for ought " (that) appears by the retornes or par- " liament rolls, and *not ſo much as one* " *double retorn or indenture wherewith all* " *the* LATE *bundles*" (Prynne wrote in the reign of king Charles II. and the corruption hath notoriouſly increaſed ſince that time) " *of writs are ſtored, and*

" *the*

" *the House of Commons and late Commit-*
" *tees of privileges peſtered, perplexed,* to
" the great retarding of the more weighty
" publick affairs of the king and king-
" dom." Let it alſo be remembered, that, by the before-mentioned unhappy deprivation of the common people's rights, the king has loſt the advantage of the proper legal balance againſt the dangerous power of rich and ambitious men, and overgrown landholders; the fatal want of which has lately been moſt notoriouſly demonſtrated in the unhappy ruined kingdom of Poland; for, as the authority of a king is amply ſufficient to defend the common people from the oppreſſion of the rich and great, by a due exertion of the laws, provided the common people be allowed *a due ſhare in the legiſlature*; ſo the latter, in return, and for their own ſakes, will always be ready to exert their *legiſlative authority*, as well as their ſtrength and power in *a*

free militia, (6) to maintain the king and the laws, which (by their union with the crown) they will always be able to do whenever the ariſtocratical power requires any juſt limitation.

(6) Memorandum. A *militia* cannot be *free*, if the individuals of it are compelled, under the terrors of martial law, to be withdrawn from their families, their ordinary callings, and even from their counties, for ſix months, or more, without return; becauſe, by theſe means, they are *withdrawn* alſo from their *civil capacity in the ſtate*, and are apt to become *mere ſoldiers*, or *mercenaries*: for, when a man loſes his trade, or ordinary occupation, together with his family and local connexions, on which his maintenance depends, he may juſtly be ſaid to loſe his *civil capacity*; becauſe he is thereby rendered dependent on his *military ſold*, or pay, like the common *ſold-iers* of all ſtanding armies; and, therefore, whenever the public defence requires the *national militia* to form an army in the field, the ſervice ought to be ſupplied by a regular military *roſter*, or *rotation*, circulating monthly, in due and equal proportions, throughout all the counties: by which means no man would be ſo long withdrawn from his home as to be injured either in his family or occupation, and yet the moſt diſtant parts of the kingdom would be defended, by the returning diſciplined troops; and military vigour would be circulated by the *roſter* (like the blood of life) throughout the whole body of the nation, which would give it (under God) ſuch internal ſtrength as muſt render all attempts of foreign invaders fatal only to themſelves.

END OF PART I.

(Second Part.)

ANNUAL PARLIAMENTS,

The ANCIENT and MOST SALUTARY

R I G H T

Of the COMMONS of GREAT-BRITAIN.

Being an Extract from SHARP's "*Declaration "of the People's natural Right to a Share in "the Legiſlature,*" printed in 1774, P. 157 to 170.

WHEREIN IS SHEWN,

That the Statutes of 4 Edw. III. c. 14. and 36 Edw. III. c. 10. which ordain, "*that "a Parliament ſhall be holden every Year "once, &c.*" muſt neceſſarily be underſtood to mean, — A NEW ELECTION OF REPRESENTATIVES, "*every Year once, "and more often if need be.*"

LONDON:

RE-PRINTED IN THE YEAR 1780.

(Second Part.)

ANNUAL PARLIAMENTS,

The ANCIENT and MOST SALUTARY

RIGHT

Of the Commons of GREAT-BRITAIN.

Being an Extract from SHARP's "Declaration
"of the People's natural Right to a Share in
"the Legislature," printed in 1774, P.
157 to 170.

With Additions as shewn,

That the Statutes of 4 Edw. III. c. 14. and
36 Edw. III. c. 10. which ordain, "that
"a Parliament shall be holden every Year
"once, &c." must necessarily be understood to mean, — A NEW ELECTION OF REPRESENTATIVES, "every Year once, "and more often if need be."

LONDON:

RE-PRINTED IN THE YEAR 1780.

END OF PART I.

PREFACE
TO THE
READER.

THE editor earneſtly recommends the ſubject of the following pages to the conſideration of the public, becauſe he conceives that the reſtoration of *Elections*, "*every year once, and more often, if* "*need be*," (and thoſe in a *more equal* proportion of deputation according to the number of *Electors* in each county,) is the *only meaſure* that can be ſafely adopted, for a ſolid and firm baſis of that *political reformation*, which, at preſent, is almoſt univerſally acknowledged to be

be *neceſſary*, as well for the ſecurity of the people, as the dignity and ſafety of the crown. The unhappy effects of modern deviations from that *fundamental rule* do clearly demonſtrate, that it was not only an *ancient right of the Commons*, but even an *indiſpenſable right*, without which *peace* and *good government* cannot be maintained.

" *Mos retinendus eſt fideliſſimæ*
" *vetuſtatis. Quæ præter conſue-*
" *tudinem et morem majorum fiunt,*
" *neque placent, neque recta viden-*
" *tur.*" 4 Coke, 78.

" As often as any thing is
" doubtful or *corrupted*, we ſhould
" *recur to firſt principles.*"

Lofft's Elements of Law, N° 8.

ANNUAL

ANNUAL PARLIAMENTS,

The ANCIENT and MOST SALUTARY

RIGHT

OF THE

COMMONS of GREAT-BRITAIN.

PART II.

THE authority of the *nominal* Legiſlature in 1650 was entirely *illegal*, as well as that in 1653, both of them having been ſet up and maintained by the ſame unconſtitutional arbitrary power; and both of them totally void of the indiſpenſable *Repreſentation* of the people: for though the wretched remains of the Long-Parliament in 1650 (being about

about 80 Repreſentatives or Members, inſtead of 513 that had been elected at the beginning of that Parliament) were indeed choſen by a ſmall part of the people of England, yet the legal *Repreſentation*, even of that ſmall part, was *out of date* and void, from the length of time that the ſaid Repreſentation had continued *without Re-election*, which was about ten years; whereas it is well known that the due effect, or *virtue*, of popular *Repreſentation*, was formerly ſuppoſed to be incapable (like ſome *annual* fruits) of being ſo long preſerved in uſeful purity, without a *ſeaſonable renewal*, from time to time; ſo that our more prudent Anceſtors (imitating nature) required alſo an *annual* renewal of their *parliamentary Repreſentation*, as being neceſſary for the maintenance of public virtue.

Sir Edw. Coke, in his 4th Inſt. p. 9, ſpeaking of "the matters of parliament," informs

informs us of the reaſons uſually expreſſed in the writs for calling a new Parliament, as "pro quibuſdam arduis urgentibus negotiis, nos ſtatum, et defenſionem regni noſtri Angliæ, et Eccleſiæ Anglicanæ concernentibus quoddam parliamentum noſtrum, &c. teneri ordinavimus," &c. And he adds, in the next paragraph, "Now, for as much" (ſays he) "as divers Laws and Statutes have been enacted and provided for theſe ends aforeſaid, and that divers miſchiefs in particular, and divers grievances in general, concerning the honour and ſafety of the King, the State, and Defence of the Kingdome, and of the Church of England, might be prevented, *an excellent Law* was made, anno 36 Edw. III. c. 10. which, *being applied to the ſaid Writs of Parliament*, doth, in a few and effectual words, ſet down the true ſubject of a Parliament in theſe words:

" *For the maintenance of the ſaid articles,*
" *and ſtatutes, and redreſs of divers miſ-*
" *chiefs and grievances, which daily hap-*
" *pen,* A PARLIAMENT SHALL BE HOL-
" DEN EVERY YEAR, as another time
" was ordained by a ſtatute." Which Statute, here referred to, was made in the 4th year of the ſame reign, cap. 14. " Item, it is accorded, that a Parliament " ſhall be holden EVERY YEAR ONCE, " *and more often if need be.*" But Sir William Blackſtone ſuppoſes that the King never was " obliged, by theſe " Statutes, to call a *new* Parliament *eve-* " *ry year*; but only to permit a Parlia- " ment to ſit annually for the redreſs of " grievances, and diſpatch of buſineſs, " *if need be.*" (1 Com. c. 2, p. 153.)

It is too true, indeed, that our Kings, in general, did not think themſelves " *obliged,* by theſe Statutes," (as they ought in conſcience to have been, for the ſafety of their ſouls,) " to call a *new*

" *Parliament*

"*Parliament every year:*" nay, it is certain that many of them would never have called a Parliament at all, had they not been "*obliged*" by neceſſity and the circumſtances of the times. But, by what authority could a repreſentative in one Parliament take his ſeat in the *next annual Parliament*, without *re-election*, before any laws were made for lengthening the duration of Parliaments? And beſides, if the King did "*only permit* a "Parliament to ſit annually," &c. by what authority could the Parliament be convened at all, under ſuch a circumſtance, ſeeing that a *mere permiſſion to ſit* excludes the idea of a prorogation from year to year? However, the learned commentator himſelf very juſtly obſerves, in a preceding page, (150,) concerning "the manner and time of aſſembling," that the "Parliament is regularly to be "ſummoned by the King's *Writ*, or "Letter, iſſued out of Chancery." And

it is well known that these Writs are not addressed to the knights, citizens, and burgesses, elected for any *former* Parliament, but to *the Sheriffs alone*, to cause *Knights, Citizens, &c. to be elected*; for, when the said Acts were made, such an absurdity in politics had never been conceived in England, as that of trusting the *Representation* of the people, for *a term of years*, (as at present,) to the persons elected! On the contrary, when the business of each Session was finished, the Parliament, of course, was at an end; and therefore Lord Coke did not speak in vain, when he mentioned "*the excellent Law*" (*viz.* the Act for *annual* Parliaments) "*being applied to* "*the said Writs of Parliament*," &c. before recited.

A man of so much good sense, learning, and judgement, as Sir William Blackstone is master of, must be well aware of the pernicious effects of investing

the Repreſentatives of the people with a legiſlative power, beyond the conſtitutional term of A SINGLE SESSION, without *Re-election*; and therefore I cannot but be ſurpr ized at the unguarded manner in which he has expreſſed himſelf in his Comment on the two *excellent Statutes* of Edward III. for *annual* Parliaments; *viz.* that the King is not, "or ever was, o-"bliged by theſe Statutes to call *a new* "Parliament every year," *&c.* He has cauſed the word *new* to be printed in *Italics*, as if he meant thereby to inſinuate, that the Legiſlatures of thoſe early times were not unacquainted with our modern idea of conferring on the popular Repreſentation a kind of *continued ſenatorial dignity*, without *Re-election*, for ſeveral years together; whereas he certainly muſt have known that this corrupt *modern* practice has produced a *new order* of men amongſt us, a moſt dangerous increaſe of ariſtocratical power, which was entirely unknown

unknown to our Anceſtors in the glorious reign of Edward III. If he could ſhew that there *ever* was a Parliament, in thoſe times, that was *not a* NEW *Parliament*, his Comment might be juſtified! But it is notorious that Writs were iſſued to the Sheriffs, for *new* Elections, almoſt *every year* during that whole reign: The Writs, for the moſt part, are ſtill preſerved with the Returns upon them. In the catalogue of Election-Writs, which Prynne has given in his *Brevia Parliamentaria Rediviva*, p. 4 to 6, there is an account of Writs iſſued for *new* Elections in every year of that King's reign, between his 34th (when the laſt Act for annual Parliaments was made) and his 50th year, except 3, *viz.* the 40th, 41ſt, and 48th, years; in which years the Records of Summons to the Prelates and Lords of Parliament are alſo wanting, as appears by Sir William Dugdale's "per-

" fect

" fect Copy of Summons to Parliament " of the Nobility," &c.

And yet this affords no abſolute proof that Parliaments were not holden *in thoſe very years* for which the Writs are wanting; becauſe the bundles of Writs for the ſaid years may have been loſt or miſlaid. The only wonder is, that more have not been loſt, when we conſider the very little care that had been taken of them; for Prynne found many of theſe Writs diſperſed among a vaſt miſcellaneous heap of other records on various ſubjects, (as he himſelf relates in his Epiſtle-Dedicatory to King Charles II. of his *Brevia Parliamentaria Rediviva,*) calling the ſaid heap a " *confuſed Chaos*, " under corroding putrifying cobwebs, " duſt, and filth, in the darkeſt corner " of Cæſar's Chapel in the White Tow- " er, as *mere uſeleſs Reliques not worthy to* " *be calendred*," &c. And, in page 103 of that ſame work, he ſpeaks of 117 Bundles

Bundles of Writs, whereof 97 had only been then *lately* diſcovered, filed, and bundled, by himſelf: "But many of "theſe 117 Bundles" (ſays he) "are "*not compleat*, above half or three parts "of the Writs being either rotted, con-"ſumed, maymed, torn, or *utterly loſt*, "through careleſſneſs, wet, cankers, or "other caſualties; and ſome of them "have not above two, three, or four "Writs, and one or two but one Writ "and Retorn remaining."

But that there were really Writs for Parliaments, even in thoſe *three* years, which appear to be wanting, at leaſt in *two* of them, is very certain; becauſe it was in the 40th year of this reign, as Sir Edward Coke informs us, (4 Inſt. p. 13,) that the Pope demanded homage for the kingdoms of England and Ireland, and the arrears of revenue granted by King John to Pope Innocent III. "whereupon the King, in the *ſame* "*year*,

" *year, calleth his Court of Parliament,*"* &c. as Sir Edward Coke proves from the Parliament-Rolls of that year, N°. 8, remarking, at the ſame time, that the Act then made was " never yet printed." See the margin, 4th Inſt. p. 13.

And it appears that a Parliament was held alſo in the 48th year of this reign, becauſe ſupplies were in that year granted to the King by Parliament, as related by Sir Richard Baker, in his Chronicle, p. 173, *viz.* " *in his eight and fortieth* " *year,* IN A PARLIAMENT, is granted

* In this Parliament it was unanimouſly agreed, by the Prelates, Dukes, Counts, Barons, and *Commons*, (" et *le Commun*," and again, " *et Communes*,") " that " the ſaid King John, nor no other, could put himſelf, " nor his Realm, nor his People, in ſuch Subjection, " without their *Aſſent* ('ſans aſſent de eux'); and, if " it was done, it was done without their Aſſent," (that is, without the Aſſent of the *Commons*; for the Aſſent of the Barons was expreſſed in the Charter,) " and con- " trary to his Oath at his Coronation," p. 14. Where- upon Lord Coke remarks, in the margin, that " no " King can put himſelf, nor his Realm, nor his Peo- " ple, in ſuch Subjection, without Aſſent of the *Lords* " *and Commons in Parliament*," &c.

" him a 10th of the Clergy, and a 15th " of the Laity." So that there is but *one* year, out of ſo many, in which we cannot trace the meeting of the annual Parliaments: And *annual* Writs for *new* Elections were regularly iſſued for the firſt 18 years of the following reign, (as appears by Prynne's " 2d part of a brief " Regiſter and Survey of the ſeveral " kinds and forms of parliamentary " Writs," pages 116 and 117,) till Richard II. (that wretched perjured monarch) had rendered himſelf *abſolute*.*

After conſidering theſe unqueſtionable evidences of the iſſuing Writs *annually* for *new* Elections, it will be difficult to comprehend the meaning of Sir William Blackſtone's Comment on the ſaid two Acts

* His arbitrary proceedings very ſoon afterwards occaſioned his own Loſs of Power, and total Ejectment from the Throne; ſo that, notwithſtanding his boaſted *Firmneſs* in executing his favourite meaſures, he was at laſt reduced to the moſt abject acknowledgements of his own unworthineſs to reign.

Acts for *annual* Parliaments: "Not that "he (the King) is, or ever was, obliged "by theſe Statutes to call a *new* Parlia-"ment every year; but only to permit a "Parliament to ſit annually for the re-"dreſs of grievances and diſpatch of bu-"ſineſs, *if need be*. — Theſe laſt words" (ſays he) "are ſo *looſe and vague*, that "ſuch of our monarchs, as were incli-"ned to govern without Parliaments, "neglected the convoking them, ſome-"times for a conſiderable period, under "pretence that there *was no need of* "*them*," &c.

But "*theſe laſt words*" are not "*ſo looſe* "*and vague*" as either to juſtify his own explanation of the ſaid Statutes, (*viz.* not "to call a *new* Parliament every "year, but only to *permit* a Parliament "to ſit," &c.) or to excuſe, in the leaſt degree, the criminal neglects of thoſe depraved monarchs who were inclined to govern without them: for the words,

"*if need be*," cannot, according to the moſt obvious ſenſe of the Act wherein they are found, be applied to the main purpoſe of the Act, (the holding *annual Parliaments*,) but merely to the remaining part of the ſentence, *viz.* "*and more* "*often*:" that is, "and more often, if "need be." The Order, "*that a Par-* "*liament ſhall be holden* EVERY YEAR "ONCE," is abſolute; and the diſcretionary power, expreſſed in the words "*if* "*need be*," relates apparently to the calling Parliaments "*more often*:" for, if the ſaid diſcretionary words, "*if need be*," could, with any propriety, be applied to the whole ſentence, the Act itſelf would have been nugatory; which could never be the *intention* of the Legiſlature: but the true meaning and ſenſe of the Legiſlature is very clearly proved by the hiſtories of thoſe times: for it is manifeſt, not only that *new* Repreſentatives were elected *every year* (with only one exception) for a conſiderable

conſiderable number of years after the laſt of the ſaid Acts was made, (which confirms the main purpoſe of the Acts, *viz.* the holding *annual Parliaments*,) but it is alſo manifeſt, that Parliaments were frequently holden "*more often*" than once a year;* which amply confirms alſo what I have before ſaid, concerning the meaning of the diſcretionary power, expreſſed in the ſaid Act, by the words "*if need be.*"

Theſe very frequent Elections (ſometimes two, three, and four, times IN ONE YEAR) ſufficiently prove that the power, delegated by the people to their Repreſentatives, continued no longer in force than during the Seſſion of the particular Parliament to which they were ſummoned;

* Writs were iſſued for electing 3 *new* Parliaments in the 6th year of Edw. III. 2 in his 11th year, 3 in his 12th year, and even 4 in his 14th year; and there appear to have been 2 *new* Parliaments in the 7th of Rich. II. See *Prynne's Brevia Parliamentaria Rediviva*, p. 5 & 6.

ſummoned; which being "*once determi-*
"*ned,*" (ſays Prynne, 1ſt part of Brief Regiſter, &c. of Parl. Writs, p. 334.) "*they preſently ceaſed to be Knights, Citi-*
"*zens, Burgeſſes, Barons, in any ſucceed-*
"*ing Parliaments or Councils, unleſs*
"*newly elected and retorned to ſerve in*
"*them, by the King's* NEW *Writs, as our*
"*Law-Books*" (referring to 4 Ed. IV. *f.* 44. Brook, Officer, 25. 34 Hen. VIII. c. 24.) "*and experience reſolve,*" &c. And therefore Judge Blackſtone's inſinuation, againſt the calling of a *new* Parliament, has no real foundation: for, if it was the intention of the Legiſlature, in the two Acts abovementioned, that the King ſhould ever ſummon *any Parliament at all*, they muſt neceſſarily be underſtood to mean a *new* Parliament on all occaſions; *i. e.* not only that the regular Parliaments, which they ordained "*to*
"*be* holden every *year once,*" ſhould be *new* Parliaments, but alſo thoſe that

ſhould

ſhould be ſummoned upon any extraordinary unforeſeen occaſions; which is ſufficiently expreſſed in the 1ſt of the ſaid Acts, by the words, "*and more often, if "need be.*" The meaning of the Act is *unqueſtionably* proved by the actual iſſuing of writs, to the Sheriffs, for electing Knights, Citizens, *&c.* for *two, three,* and ſometimes *four, new* Parliaments, *in one year*, as mentioned above: And if any perſon ſhould object, that ſuch *very frequent Elections* muſt be attended with inſuperable difficulties and inconveniences, we may quote the experience of all ancient times, as affording ample and ſufficient proofs to the contrary; "there be-"ing not above two or three caſes of e-"lections queſtioned, or complained of, "from 49 Hen. III. till 22 Edw IV." (that is, more than 200 years,) "for "ought that appears by the Retornes or "Parliament-Rolls, and NOT SO MUCH

"AS

"AS ONE DOUBLE RETORNE OR IN-
"DENTURE, wherewith all the *late* Bun-
"dles, or Writs, are ſtored, and the
"Houſe of Commons, and *late* Com-
"mittees of Privileges peſtered, perplex-
"ed, to the *great retarding* of the more
"weighty public affairs of the King and
"Kingdom." Prynne, Brevia Parl. Re-
div. p. 137. This enormous evil, the retardment of buſineſs, by undue Returns, will not (I may venture, without the ſpirit of prophecy, to aſſert) be remedied by the *new Regulation* for that purpoſe. The Commons were never (in ancient times of Freedom) eſteemed the proper Judges of their own Elections, but the *King* alone, that is, in his *limited* judicial capacity, by his Juſtices and his ſworn Juries, in the Courts of Common-Law. If my countrymen will ſeriouſly conſider all theſe points, they muſt be convinced that the only ſure method of healing the alarming diſtem-

pers

pers of our political Conſtitution* is to reſtore to the people their ancient and juſt Right to elect a *new* Parliament, "*every* "*year once*, and *more often if need be.*"

No Parliament could have any right to deprive the people of this inestimable Law, unleſs the Repreſentatives had expreſſly conſulted their reſpective conſtituents upon it; as the alteration was of too much moment to be intruſted to the diſcretion of any *Repreſentatives* or *Deputies* whatſoever, being infinitely more important than "*any new devite*, moved "on the King's behalf, in Parliament, "*for his aid, or the like;*" for the moſt

I eſſential

* *Viz.* the enormous national Debt; the numerous Penſions; the ſecret parliamentary influence; a ſtanding Army of near 100 Battalions of Foot, beſides Cavalry, in time of Peace! [this was firſt printed in 1774] *&c. &c. &c.* which muſt render the *Eſtates* and *Property* of individuals precarious and inſecure, or finally EAT THEM UP with *growing burthens*, if theſe fatal ſymptoms of the moſt dangerous *political conſumption* are not ſpeedily checked and thrown off, by the wholeſome preſcriptions of a *free and equal Repreſentation of* THE PEOPLE *annually elected.*

eſſential and fundamental Right of the *whole body of the Commons* (I mean the *Principals*, not the *Deputies* or *Agents*) was materially injured by the fatal change, and the people's power of controul, for the general good of the kingdom, was thereby apparently diminiſhed! ſo that, if it is the duty of Repreſentatives (even in "*any new device*" of mere "*aid, or the* "*like*") to conſult their Conſtituents, how much more, upon the propoſal of ſo material an alteration in the Conſtitution, ought they to have anſwered, that, "*in this new device, they* DARE NOT "AGREE WITHOUT CONFE-"RENCE WITH THEIR COUN-"TRIES!" Theſe are the words of Lord Coke, who mentions them as the proper anſwer,* "*when any new device is* "*moved*," &c. and he adds, "whereby "it appeareth" (ſays he) "that SUCH "CONFERENCE

* See alſo the anſwer of the Commons in 13 Edw. III. (as reported in Sir Robert Cotton's Abridgement of the Records, &c. p. 17.) almoſt in the ſame words.

" CONFERENCE *is warrantable by the* " *law and cuſtome of Parliament*," 4th Inſt. p. 14; ſo that no *Repreſentative* can be juſtified (according to " *the Law* " *and Cuſtome of Parliament*") who refuſes to receive the Inſtructions of his Conſtituents, notwithſtanding that ſeveral very ſenſible, worthy, and (I believe) ſincerely patriotic, gentlemen have lately declared themſelves to be of a *contrary opinion*; but, when they peruſe the ſeveral authorities which I have cited, concerning the abſolute neceſſity of a *very frequent appeal* to the ſenſe of *the whole body of the people*, I truſt, in their candour and love of truth, that they will alter their ſentiments.

THE END.

" CONFERENCE is warrantable by the
" law and customs of Parliament," 4th
Inft. p. 14; fo that no Repreſentative
can be juſtified (according to " the Law
" and Cuſtoms of Parliament") who re-
fuſes to receive the inſtructions of his
Conſtituents, notwithſtanding that ſeve-
ral very ſenſible, worthy, and (I believe)
ſincerely patriotic, gentlemen have lately
declared themſelves to be of a contrary
opinion: but, when they perule the ſeve-
ral authorities which I have cited, con-
cerning the abſolute neceſſity of a very
frequent appeal to the ſenſe of the whole
body of the people, I truſt, in their can-
dour and love of truth, that they will
alter their ſentiments.

THE END.

A

DEFENCE

OF THE

ANCIENT, LEGAL, AND CONSTITUTIONAL,

RIGHT of the PEOPLE,

To *elect Repreſentatives for every Seſſion of Parliament*;

VIZ.

Not only "*every Year once*,"

BUT ALSO

"More often if Need be:"

As expreſsly required in the old Statute, and confirmed by the *general Uſage* of ancient Times, demonſtrated by the Evidence of the ORIGINAL WRITS FOR ELECTION:

IN A

LETTER

To a Member of the SURRY Committee.

By GRANVILLE SHARP.

FIFTH EDITION.

LONDON:
Printed by GALABIN and BAKER, Number 1,
INGRAM-COURT, FENCHURCH-STREET.
M.DCC.LXXX.

A

DEFENCE

OF THE

ANCIENT, LEGAL, AND CONSTITUTIONAL

RIGHT of the PEOPLE,

To elect Representatives for every Session of Parliament;

VIZ.

Not only "every Year only,"

BUT ALSO

"More often if Need be:"

As expressly required in the old Statute, and confirmed by the general Usage of ancient Times; demonstrated by the Evidence of the ORIGINAL WRITS FOR ELECTION:

IN A

LETTER

To a Member of the SURRY Committee.

By GRANVILLE SHARP.

FIFTH EDITION.

LONDON:
Printed by GALABIN and BAKER, Number 1,
INGRAM-COURT, FANCHURCH-STREET.
M.DCC.LXXX.

COPY of a LETTER to a Member of the SURRY Committee.

DEAR SIR,

——I Have paid all the attention, that the ſhortneſs of the time would permit, in ſearching and procuring authorities, to enable you to oppoſe the objections lately made to *annual parliaments*, as ſtated in your kind letter of the 17th inſtant. — With reſpect to the firſt, i. e. their "*incompetency, now that the "empire is ſo vaſt, and foreign connections "ſo interwoven with us*;" I beg leave to remind you, that the empire is not now more interwoven with foreign connections, (I mean thoſe of *Europe*, which alone have power to affect us,) than they were when *annual* parliaments (and "*more often if need be*") were the eſtabliſhed law of the land; I mean in the glorious

glorious reign of king Edward III. when *ſeveral* of the richeſt and moſt *populous provinces of France* were the hereditary dominions of the family upon the throne; and when the remainder of that mighty and extenſive empire, with the exception of a very few provinces, (the great duke of Burgundy himſelf doing homage for his eſtates,) belonged abſolutely to the crown of England, by the right of conqueſt. But the true conſtitutional anſwer to the objection is, that all foreign dominions, acquired by the crown of England, *ought to be governed by free parliaments of their own*, duly elected by the inhabitants of each diſtinct country reſpectively, who have not only the *beſt right*, but the *beſt knowledge and abilities*, how to preſcribe laws for their own government, ſafety, and neceſſities. This is the only true means of removing all difficulty from the government of *diſtant dominions*, becauſe, in the firſt place, it is

the

the only means that is ſtrictly conſiſtent with the *natural rights* of the inhabitants in each dominion, ſeparately conſidered; and alſo, adly, the only means of preventing the inhabitants of ſuch diſtant dominions, or colonies, from invading the *natural rights* of *each other*, which is the ſource of civil war and diſunion; and, if this moſt eſſential principle of our *conſtitution*, and of *natural equity*, had been regarded by adminiſtration, agreeably to what I have ſtated, in my Declaration of the Peoples Rights, reſpecting *Ireland*, we ſhould not have loſt *America!* —— The only true means, for inſtance, to preſerve the Britiſh empire in *Eaſt-India*, which ſtill remains to us, is, to inſtruct the Sooders, and lower caſts of the Indian tribes, concerning their *natural right to a ſhare in the government* of thoſe countries which they inhabit, that their duly-elected repreſentatives, in a general aſſembly, may have confidence to reject

and confute that deteſtable lie of the Bramins, by which they are holden in ſlavery, and rendered the prey of Tartarian, as well as European, wolves and tigers.

The Engliſh company of merchants, aided by the Britiſh government, have, at preſent, both power and influence ſufficient to effect this, and reſtore them to their rights: this would be an obligation never to be forgotten, and which would eſtabliſh trade upon its proper baſis, and *remove all difficulties, as well as expence, from the government of that vaſt empire*; but, if the opportunity be too long neglected, it may be ſuddenly loſt for ever!

With reſpect to the ſecond objection, —"*The apprehenſions of diſorder on too frequent elections:*"— The evidence of experience confutes it, as, I hope, I have already proved in the two little tracts, * and

* See the Legal Means of political Reformation, in two tracts, p. 31 and 32, alſo 55 and 56. See alſo the three laſt paragraphs of the Memorial of the Deputies from

and of which the preamble to the wicked act of the 8th of king Henry VI. is itſelf an ample teſtimony; † becauſe the perverters of the conſtitution, at that time, could not ſay that "man-ſlaughter, riots, batteries, *&c.*" had *then* happened, as they really *do now* at our *ſeptennial elections*, but only in the *future* tenſe, that "*they ſhall very likely ariſe and be.*" They could not complain, that there was a *number of outrageous people* at county elections, and therefore they perverſely and deceitfully complained only of an *outrageous and exceſſive number of people*: the epithet, "*outrageous*," was not applicable to the people, and therefore they have deceitfully branded the innocent ſubſtantive, "*number*," with the charge of being "*outrageous.*" The reaſon of this is

 plain:

from the ſeveral petitioning counties, *&c.* wherein it is declared, concerning ANNUAL parliaments, that "*they* "*were ever deſcribed as conſiſtent with the greateſt peace*; "*and moſt peaceably conducted.*"

† The *legal Means*, *&c.* p. 29, 30.

plain: the manner of wording the act, as it now ſtands, has the effect of an inſinuation againſt the behaviour of the people, that is, to a *careleſs reader*, and thereby it anſwered the deceitful purpoſe of thoſe who framed (or tranſlated) the act, which would have been *null and void* for want of *truth*, had the adjective, "*outrageous*," been applied to the other ſubſtantive, i. e. *people*: for *falſehood* in a preamble has the unqueſtionable effect of deſtroying the force of any ſtatute.

But, if the people really were *outrageous* at elections, as well as *exceſſively numerous*, yet, it is certain, that they had *right* on their ſide, and intended the good of the kingdom in general; becauſe they have the evidence of all antiquity, that the *majority* of theſe exceſſive numbers were generally for ſending to parliament the beſt and moſt reſpectable men they could find among them; which is not only proved by the teſtimony I quoted from

Prynne,

Prynne, in p. 31 and 32 of my first little tract,* but also by the evidence of that learned antiquarian, Browne Willis, Esq. who tells us, in the preface of his *Notitia parliamentaria*, that "*the knights of "shires*" (viz. those that were chosen by the *outrageous and excessive number of people*) "have, EVER, IN ALL COUNTIES, "been chosen out of the principal *gentry* "*and quality*: and though, says he, the "citizens and burgesses were hereto- "fore elected out of their respective "communities, and were only the CHIEF "and MOST EMINENT MERCHANTS, "*&c.* of their own communities or cor- "porate bodies; yet, in king Edward "IV.'s time, we find a great many of "them distinguished by titles," *&c.* This affords a farther answer also to the first objection against *annual* parliaments.

For who are so fit to judge of public affairs, "now that the empire *is so vast*, "and

* For a *more equal representation*, *&c.*

" *and foreign connexions ſo interwoven with* " *us*," (according to the objector's ſtating,) as " *the principal gentry and qua-* " *lity*" out of the counties, and the " *chief and moſt eminent merchants*" out of the trading cities and boroughs? and more eſpecially ſuch knights, citizens, and burgeſſes, as thoſe of ancient times, whoſe conduct in parliament procured them *the honour* of being *annually returned*, and ſometimes *more often*, for ſeveral years together?

Thus, the two firſt objections againſt *annual elections* are manifeſtly without foundation; and, with reſpect to the third, that " *it never was the law of the* " *land*,"* it ſavours either of ſuch deplorable

* So far is this objection from the *truth*, that the deputies from the ſeveral petitioning counties, *&c.* have, in their MEMORIAL, declared, that " *ſhortening the du-* " *ration of the ſitting of parliament can only be done*, CON- " SISTENTLY WITH *the* CONSTITUTION, *or with* " *the beſt policy on any enlarged view, by ſhortening it* TO " THE PERIOD OF A YEAR ;" and they afterwards cite the ancient acts, which ordained, that " *a parliament* " *ſhall be holden every year once, and more often if need be.*"

rable ignorance, or of ſuch bare-faced falſehood and effrontery, as ſcarcely deſerves an anſwer!

If I have made any error or miſrepreſentation in either of the little tracts, let the objectors point it out, and they will not find me backward to ſubmit to *truth*; for that is my duty to God and man! — But, to condemn the doctrine in the lump, without deigning to give a ſingle reaſon or proof againſt it, though it is ſupported by the moſt unqueſtionable hiſtorical evidence, of which many even of the *original* documents (I mean the *annual*, or rather *ſeſſional*, *writs* themſelves) do ſtill exiſt, in our public records, to this day, is ſuch a deteſtable perverſion of *truth*, ſuch a depravity of human nature, in the baneful ſervice of our great natural enemy, the "*father of lies*," that I ſhould hardly have believed my own ears, had I been preſent when the objection was made.

Perſons,

Perſons, who diſcover ſuch impotent malice againſt *truth*, muſt be warned of their *ſpiritual* danger, leſt they ſhould be loſt for ever!

That you may be able more eaſily to confute ſuch objectors, I have ſent you Browne Willis's Notitia parliamentaria; where you will find, in the very firſt table of writs, (viz. that for the county of Bedford,) examples of *annual* elections for twenty years together, in continual ſucceſſion, except in one ſingle inſtance; which omiſſion will be the more eaſily excuſed, if it be conſidered that there were *two general elections* in the year which *preceded* the year of omiſſion, as alſo *two general elections* in the year which *followed* it.—The period I refer to is between the 15th of king Edward II. and the 15th of king Edward III. In the 6th year of the latter reign, there were *three* new parliaments; two in the 7th, two in the 10th, two in the 11th, two

in

in the 12th, two in the 13th, and FOUR in the 14th, year.* This affords ample proof, not only that *new* parliaments should be holden every year *once*, but even "*more often if need be.*" The book contains

L

* It was an ancient usage of our Saxon anceſtors, to hold *provincial parliaments*, or *ſhire-gemots*, regularly twice a year. † "*Twa ſchire-gemot*," or *two county parliaments*, are expreſsly ordained to be holden "*on gear*," (i. e. "*in a year*,") by the 5th law of king Edgar, and the 17th law of king Canute. See Lambard's Archionomia, p. 64 and 111.

† —— "For the aſſembling of parliament; which, by the inſti-"tution of king Alfred, was *to aſſemble twice a year*." See the ſpeech of ſir George Crooke, Juſtice of the king's-bench, in Hampden's trial on ſhip-money. Anno 1637, 13 and 14 Car. See alſo the parliamentary and political tracts of Sir Rob. Atkins, knt. judge of the court of Common Pleas, p. 235. "Our *Saxon* king *Alfred* and his wiſe "men (that is, the great council of the kingdom) ordained, that *a* "*parliament twice a year, and oftener* in time of peace, *ſhould meet in* "*London*. Thus ſays that ancient book ſtiled The Mirrour of Juſ-"tices, c. 1. § 3. pag. 10. By 4 Ed. III. c. 14. it is accorded, that "*a parliament ſhall be holden every year once, or more often if need be*." "This" (ſays judge Atkins) "does not abrogate nor alter king "Alfred's law." See alſo *Lex Parliamentaria, or a Treatiſe of the Law and Cuſtom of Parliaments*, 2d Edit. printed at London about the Year 1734, p. 62. "By the law, parliaments ought to be very fre-"quent. Before the Conqueſt, (as it is untruly called,) by the "law, *parliaments were to be held* TWICE A YEAR, as appears by "king *Edgar*'s laws. So it was ordained by king *Alfred*. By the "ſtat. of 4 Ed. III. c. 14. *Parliaments ought to be* ONCE A YEAR, "AND OFTENER *if need be*." By 16 Car. II. c. 1. *theſe acts* are de-"clared to be *in force, &c.*" That *new* parliaments are to be underſtood in all theſe quotations the ancient *writs* afford unqueſtionable teſtimony.

tains a great abundance of other examples: and, though the *annual* elections were ſometimes omitted, yet this affords no proof againſt the peoples *right* to have them. Another learned antiquarian, Mr. Gurdon, informs us, in his Hiſtory of the high Court of Parliament, page 282, that "*new* ſummonſes were to go "out for a *new* parliament,‖ *once a year*, "*at*

‖ The continuance of parliaments for a longer term, without *re-election*, ſeems to have been begun in the reign of king Edward IV. after the people had been ſo cruelly harraſſed by civil war, that they had no ſpirit or (perhaps) *power* left to oppoſe that dangerous uſurpation of their parliamentary rights by *royal prorogations*.

In preceding times the *adjournments*, or *prorogations*, (which words had then the ſame meaning,) were ſeldom for more than *a few days** at a time; and that only on extraordinary and unavoidable occaſions; as *ſickneſs*, the abſence of the *king* or *great lords*, the neglect of

* 8 Richard II. 'The ſame Saturday the parliament, for certain 'cauſes, by the *commandment*, was ADJOURNED until *Monday enſu-* 'ing; and, on the ſame *Monday*, it was *adjourned* until *Tueſday next* 'following, for the like cauſe, at the *king's commandment*.' *See ſir Rob. Cotton's Abridgement of the Records in the Tower*, p. 303. —— *N. B.* Theſe *adjournments*, being made by the *king's command*, were manifeſtly what we now call *prorogations*.

" *at the leaſt.*" This book I have alſo ſent for your peruſal, and likewiſe an hiſtorical Treatiſe of Cities and Boroughs, by Dr. Brady, who bears ample teſtimony to the means which I have propoſed in my firſt tract, for obtaining *a more equal repreſentation*; for he proves, that, " IN " SEVERAL COUNTIES, *the* CITIZENS

" *and*

of " *certain ſheriffs, in not returning their writs,*" † *&c.* or when the repreſentatives " *promiſed to travel to their* " *countries,*" to hold farther conference with their conſtituents, concerning any " *new device.*" ‖

† 7 king Richard II. ' The ſame Friday, being the 20th of ' April, for that *the duke of Lancaſter and other lords* were not returned ' from the North, and for that alſo *certain ſheriffs had not returned* ' *their writs*, the parliament was *adjourned* until *the Wedneſday fol-* ' *lowing*; and, in the mean time, the commons were willed to go ' together to chooſe their ſpeaker.' *Ibid.* 298.

‖ 13 king Edward III. ' The commons made anſwer, That they ' knew and tendred the king's eſtate, and were ready to aid the ' ſame; *only in this new device they durſt not agree without farther* ' *conference with their countries*; and ſo, praying reſpite until another ' time, THEY PROMISE TO TRAVEL TO THEIR COUNTRIES.' (*Ibid.* p. 17.) This laſt is the very beſt reaſon that can ever be given for the *prorogation of parliaments*, as this alone can reconcile, with the people's juſt rights, the *re-aſſembling* of a parliament without a previous *re-election*: that is, when the repreſentatives " *travel to their* " countries," for the expreſs purpoſe of *conferring* with the people, and to receive their *inſtructions.*

" *and* BURGESSES *were chosen in the*
" COUNTY-COURTS *with the* KNIGHTS,
" *on the day of the* KNIGHTS ELECTION,
" *in the* SAME *court, and jointly returned*
" *in* ONE INDENTURE, *especially before*
" *the statute of the 23d of king Henry* VI;
" *and, in some, after that,*" &c. p. 75.

It would be too tedious to give you more proofs respecting " *the law of the* " *land,*" in answer to the third objection; and, in answer to the fourth objection, (" *that the whole constitution must be* " *new-modelled to that idea,*") I shall be still more brief, having only to add, that we are far from desiring that " *the consti-* " *tution may be new-modelled;*" we only pray, that the unjust *usurpations,* (made without the consent of the people,) the *corruptions, and other such abuses,* may be taken away and reformed: and then the ancient constitution of *annual* elections, and " *more often if need be,*" will recover

its

its full vigour without any other alteration.

I remain, with great eſteem,

Dear ſir,

Your affectionate friend

And humble ſervant,

Old-Jewry, March 22, 1780.

Granville Sharp.

To *** **, *Eſq.*

its full vigour without any other altera-
tion.

A

CIRCULAR LETTER

TO THE SEVERAL

PETITIONING COUNTIES, CITIES, AND TOWNS,

Addreſſed to their reſpective *general Meetings*, againſt the late Propoſition for a *triennial Election* of REPRESENTATIVES,

By GRANVILLE SHARP.

FIFTH EDITION.

A

CIRCULAR LETTER

TO THE SEVERAL

PETITIONING COUNTIES, CITIES, AND TOWNS,

Addressed to their respective General Meetings, against the late Proposition for a triennial Election of REPRESENTATIVES,

By GRANVILLE SHARP.

FIFTH EDITION.

To the Gentlemen, Clergy, Freeholders, and other Inhabitants, of the

GENTLEMEN,

THE laſt general meeting of the County of York having adopted a propoſition "*to ſhorten the duration of* "*parliament to a term not exceeding* "*three years*," the worthy gentlemen of your own committee may probably have been induced, by the laudable deſire of preſerving *unanimity* with that reſpectable county, to recommend the ſame propoſition for your adoption. Be pleaſed, therefore, previouſly to conſider, whether it is probable that a majority of the freeholders, *&c.* of the Yorkſhire meeting did really mean to prefer *triennial elections* to the ancient legal uſage and conſtitution of *annual parliaments*, or whether they may not rather have been induced to poſtpone the open declara-

tion of their *loyal* attachment to that ancient *law* for frequent parliaments, *(viz. every year once, and more often if need be,)* merely through a desire to preserve the *unanimity* of their *own meeting*, by yielding a little, for the present, to the prejudices of a few particular gentlemen among them, (persons, indeed, of great worth and esteem, in many respects, and whose sentiments in general deserve the utmost attention and regard, but) who unhappily, in this point, are apt to conceive, that *annual* elections, and "*more "often if need be,*" would be attended with some inconveniences to *themselves*.

You have undoubtedly, in your own county, also, several worthy gentlemen of fortune, to whom great respect is due from *the people*, on account of their known independence, and steady opposition to bad measures in general, who nevertheless, perhaps, may entertain *the same erroneous conceptions of frequent elections*;

lections; and therefore you can, by your own feelings, (I mean your reſpect and eſteem for ſuch worthy men,) more eaſily judge of *the effect* which the ſame kind of laudable influence muſt neceſſarily have cauſed in the Yorkſhire meeting; which is the beſt reaſon, I believe, that can be aſſigned for their having adopted that *unconſtitutional* meaſure.

You are therefore moſt earneſtly requeſted to conſider the following plain propoſitions.

I. That, though great deference and reſpect be certainly due to ſuch worthy and independent gentlemen as I have deſcribed, yet your condeſcenſion to them ought to have ſome *due limitation*.

II. That the bounds of the *ancient parliamentary conſtitution* of the kingdom ought ſurely to mark out *the utmoſt extent* of your compliance with the worthy part of the *ariſtocratical intereſt*.

III. That if, on the contrary, your endeavours to preſerve UNANIMITY ſhould carry you *beyond theſe legal bounds*, you will really injure thoſe very gentlemen whom you wiſh to oblige, as well as the whole *ariſtocratical intereſt* (the crown, the lords, the country gentlemen in general); becauſe there is but *one true common intereſt*, which *the fundamental laws of the conſtitution alone can preſerve*. Conſider alſo,

IV. That *unanimity* is as *baneful* in a bad meaſure as it is *ſalutary* in a good one: and,

V. That, if any *compliance* in proceedings is to be made at all "*for the ſake* "*of unanimity*," it ought certainly to be made where a *compliance is moſt due*; viz. to the *conſtitutional reſolutions* of a ſelect body of intelligent gentlemen, *deputed to a national conference*, by freely-elected committees from a very conſiderable proportion of the counties and moſt populous cities and towns in England;—to reſolutions,

tions, which were *unanimouſly* agreed upon by the ſaid *deputies*; and, therefore, "*a compliance, for the ſake of unanimity*," was moſt juſtly due to *them*; and, the more eſpecially, as it appears that they formed their concluſions by the fundamental laws and uſages of the conſtitution.‖ The ſtriking ſimilarity alſo of *this deputation*, in many reſpects, to an ancient example of a *national deputation* from all the counties, cited, on this occaſion, by lord Carysfort,* from Hoveden, adds great weight to the reſolutions in queſtion,

‖ The deputies, in their memorial, declare, that '*ſhortening the duration of the ſitting of parliament can only* '*be done*, CONSISTENTLY WITH THE CONSTITUTION, '*or with the beſt policy in any enlarged view*, BY SHORT-'ENING IT TO THE PERIOD OF A YEAR." And this they farther explain in the words of the old ſtatutes, *viz.* '*that a parliament ſhould be holden* ONCE *every year, and* 'MORE OFTEN *if need be*;" whence it is manifeſt, that *the longeſt duration, conſiſtent with the conſtitution, is the period of one ſingle ſeſſion*, even though two or more ſuch ſeſſions ſhould be neceſſary in *one* or *the ſame* year.

* See page 15 of his lordſhip's very judicious and *loyal* letter to the committee of the county of Huntingdon.

tion, as well as to the importance of that *unanimity* with which they were formed.

VI. That the members of the late deputation have *unanimouſly* declared, in their memorial, that "*annual parliaments* are the "*ancient conſtitution* of this kingdom, and "the *birthright of Engliſhmen*;" and, in the three laſt paragraphs of their *memorial*, which are highly worthy your moſt careful attention, have not only proved that the old *laws*, requiring "*a par-* "*liament to be holden every year once,* "*and more often if need be*," meant a *new* parliament *every year, &c.* (by the inſtances of writs iſſued "*two or three times in* "*the ſame year, for new elections*,") but they alſo prove, from the experience of former ages, that theſe *very frequent elections* were *not* attended with any ſuch inconveniences, as the advocates for long parliaments commonly pretend, but, on the contrary, recommend them, "*as conſiſtent*

conſiſtent with the greateſt peace," &c.—* And, therefore, you are deſired to conſider,

VII.

* 'The fact is, (ſay the deputies from the ſeveral petitioning counties, &c.) during the whole of that reign, (king Edw. III.) and for the firſt eighteen years of the following one, writs were annually iſſued, and, in ſome inſtances, two or three times in the ſame year, for new elections, till Richard II. made himſelf abſolute. And various were the occaſions, in thoſe times, when the commons gave for anſwer, to any new propoſitions of magnitude, that THEY DARED NOT AGREE WITHOUT CONFERENCE WITH THEIR COUNTRIES. At what period then was it, that the conſent of the people was aſked and obtained to ſo momentous a propoſal as that of diveſting them of their expected controul over their repreſentatives? in fact, of changing the terms on which the delegation had paſſed from their hands? ANNUAL PARLIAMENTS are, therefore, the ANCIENT CONSTITUTION of England, and the BIRTHRIGHT of Engliſhmen.

'Nor are they leſs beneficial in policy than unalienable in right. In the language of ancient times, before the prejudices of habit had thrown falſe colours over names and things, *they were ever deſcribed as conſiſtent with the greateſt peace, and moſt peaceably conducted.* And, in parliamentary records, for more than two hundred years together, from 49 Hen. III. till 22 Edw. IV. we find not ſo much as *one* double return, nor more than two or three inſtances of elections queſtioned on any ground;—a circumſtance ſurely moſt inviting, when put in contraſt with that multitude of perplexing enquiries which, of late years, hath conſumed ſo much time in committees,

'to

VII. That the Yorkſhire propoſition for ſhortening "*the duration of parliaments to a term, not exceeding three years,*" is totally different from the *ſhortening of duration*, explained and recommended by the ſaid deputies, as "*the ancient conſtitution of the kingdom, and the birthright of Engliſhmen;*" and, what is worſe, has been adopted without the leaſt mention of that *birthright* in any ſaving clauſe, to aſſert and preſerve your juſt claim to it for a *future* time: whereby it is manifeſt, that the promoters of this *triennial* ſcheme have really been *the firſt offenders*

' to the great hindrance of the national buſineſs. The ' plain reaſon is founded not in the time, but in the na- ' ture, of the thing; the duration of the ſeat was not an ' object for a violent conteſt. This will alſo diſpel the ' objection ariſing from the probability of tumult and ex- ' penſiveneſs; to remove which it will farther contribute ' not a little, if we would give attention to what paſſes ' now among thoſe large bodies of electors, who annual- ' ly chooſe their corporate officers. But the argument a- ' gainſt corruption ſurmounts every thing elſe. Nothing ' can give ſo much aſſurance of defeating it as this limita- ' tion.

offenders againſt that deſirable *unanimity*, which the conference of deputies was intended to effect; and, therefore, the cry of "*neceſſary unanimity*," by which alone that *unconſtitutional* propoſition is at preſent recommended, deſerves not the leaſt attention. What! would you be *unanimous* againſt the ancient legal parliamentary conſtitution of the kingdom, which the *triennial* ſcheme is manifeſtly calculated to ſupplant? You ought never to forget,

N VIII. That

'tion. A ſeat for three years might induce a man's attention to a bribe. He that ſits but for one is very unlikely to experience ſuch an offer, or will certainly reject it, if he would not wiſh to put all his future expectations to an imminent riſque.

'When once the conſtitution of parliament is improved in theſe leading points, every thing elſe, that may appear to have its ſhare in reformation, muſt be ſubordinate in its claſs, and muſt follow in its time. And, the more effectually to inſure theſe, we entreat you, neither at the next or any future election, to engage your ſupport to any candidate, before you are ſatisfied that he will give his aſſiſtance, in parliament, to the eſtabliſhment of ſo much of theſe reforms as may not then be accompliſhed.'

VIII. That the people have already been betrayed by a *triennial* parliament! That the *repreſentatives* of the people, in a *triennial* parliament, uſurped the legiſlative authority of their conſtituents for a longer time than it was delegated; and treacherouſly preſumed, "*without conſulting their countries,*" to prolong the duration of parliaments to the preſent unreaſonable term of *ſeven* years; whereby they eſtabliſhed the baſis of that deteſtable ſyſtem of corruption which has been the true ſource of all your preſent grievances! And, therefore, be pleaſed to conſider, ——

IX. That *triennial* parliaments, as well as *ſeptennial*, are manifeſtly dangerous to the ſtate, and ſo groſſly inconſiſtent with the ancient legal parliamentary conſtitution of this kingdom, that the moſt eſſential *laws* and *uſages*, by which that conſtitution is declared and known, are really

really *ſuſpended* by them. You cannot, therefore, without notorious *diſloyalty*, (in the ſtricteſt ſenſe of the word,) adopt the propoſition for *triennial* parliaments: ſo that you have a moſt ample excuſe for not concurring with a few particular gentlemen, (whom you would otherwiſe wiſh to oblige,) *viz.* that your *compliance* with them in this matter would exceed the *conſtitutional* bounds of condeſcenſion, (mentioned in the three firſt propoſitions,) and would really tend to ſubvert the people's juſt right *to more frequent elections*. — Becauſe it is manifeſt, ——

X. That the *conceſſion* of a popular right, made by the people themſelves in their collective capacity, at their ſeveral county-meetings, is infinitely more binding upon them (to exclude any future claim to the ceded right) than the ſame *conceſſion* would be, if made merely by their *repreſentatives* in parliament, with-

out the inſtruction or concurrence of the people. And, therefore, you ought to be particularly thankful, ——

XI. That the people themſelves, the great body of conſtituents, have never yet, by any ſuch *conceſſion*, betrayed that valuable *birthright*, (as the deputies call it,) the ancient *law* for *annual* parliaments. It has too often been *ſuſpended* indeed; ſometimes through the *diſloyalty* of kings, and laſtly even by the *diſloyalty* of parliament itſelf, (of which the tyrannical *triennial* and *ſeptennial* acts are lamentable inſtances); yet, as the *ſuſpenſion* of it has never been promoted by the requiſition or inſtruction of the people at large, their right to it remains intire. The preſumption and treachery of their repreſentatives, in conſenting to the *triennial* and *ſeptennial* acts, cannot injure their juſt title to it; becauſe, in both theſe inſtances, the repreſentatives preſumed

ſumed to act contrary to an eſtabliſhed rule of parliament, by adopting a *new device*, (which even affected a fundamental law of the kingdom,) "*without conſulting their countries*," which the conſtitution abſolutely requires in ſuch an important caſe; ſo that even that unwarrantable preſumption of the repreſentatives (in neglecting to conſult the people) is the very circumſtance which ſtill preſerves that fundamental and eſſential law *as a part of the conſtitution*, and as a juſt right of the people, which they are entitled to demand and reſume whenever they ſhall be pleaſed to inſtruct their repreſentatives for that purpoſe; and to charge all perſons with *diſloyalty*, and even *treaſon to the conſtitution*, who ſhall dare to oppoſe them! But if, on the contrary, the *people themſelves, in their ſeveral county-courts*, or *aſſemblies*, ſhould be ſo inconſiderate, or ſo depraved, as to conſent

conſent indiſcriminately to the propoſition for a *triennial* election, without a ſaving clauſe to aſſert their *birthright* and reſerve their title to more frequent elections, (which the Yorkſhire meeting has unwarily done,) know, for a certainty, —

XII. That, in ſuch an unhappy inattention to their own rights, (which, I pray to God, they may never be curſed with,) they would *betray* the conſtitution of the kingdom! — they would betray a fundamental *law* of their anceſtors; which would mark their character with an eternal ſtain of *diſloyalty!* And as they may, perhaps, never have again ſo favourable an opportunity, as the preſent, of recovering their ancient birthright of *annual elections*, it would probably be loſt, irretrievably loſt, for ever! Your new triennial repreſentatives (in ſuch a caſe) would moſt likely behave as former triennial repreſentatives have heretofore done,

done, --- *betray and enſlave you by another ſeptennial ſyſtem of corruption!* And (what is worſe) you yourſelves would *moſt juſtly deſerve it!*

But I hope better things of you; and I truſt alſo that you will excuſe the ſeverity of my expreſſions in this addreſs, as being prompted merely by an ardent zeal for your proſperity.

Old Jewry,
April 11, 1780.

Granville Sharp.

done, --- Delitzy and extravagance by ungodly
[illegible] of corruption! And
(what is worse) you yourselves would
[illegible]!

But I hope better things of you; and
I trust also that you will excuse the live-
lity of my expressions in this address, as
being prompted merely by an ardent zeal
for your prosperity.

Old Jewry,
April 11, 1780.

[illegible] Granville Sharp.